

HOUSE BILL No. 5109

October 19, 2011, Introduced by Rep. Jenkins and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80205 (MCL 324.80205), as amended by 2008 PA
178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80205. (1) ~~Until March 16, 2009, except as otherwise~~
2 ~~provided in this section, a~~ A person shall not operate a personal
3 watercraft on the waters of this state unless each person riding on
4 or being towed behind the personal watercraft is wearing a type I,
5 type II, or type III personal flotation device as described in R
6 281.1234 of the Michigan administrative code.
7 ~~— (2) Beginning March 16, 2009, except as otherwise provided in~~
8 ~~this section, a person shall not operate a personal watercraft on~~
9 ~~the waters of this state unless each person 12 years of age or~~

~~elder riding on or being towed behind the personal watercraft is wearing a type I, type II, or type III personal flotation device as described in R 281.1234 of the Michigan administrative code.~~

~~— (3) Beginning March 16, 2009, a person shall not operate a personal watercraft on the waters of this state unless each person on board or being towed by the personal watercraft who is less than 12 years of age is wearing a type I or type II personal flotation device as described in R 281.1234 of the Michigan administrative code.~~

(2) ~~(4)~~—A person shall not operate a personal watercraft on the waters of this state unless each person on board the personal watercraft is wearing a personal flotation device that is not inflatable.

(3) ~~(5)~~—A person shall not operate a personal watercraft on the waters of this state if a child who is under 7 years of age is on board or being towed behind the personal watercraft unless the child is in the company of his or her parent or guardian or a designee of the parent or guardian.

(4) ~~(6)~~—While operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch on the waters of this state, a person shall have the lanyard attached to his or her person, clothing, or personal flotation device as is appropriate for the personal watercraft.

(5) ~~(7)~~—A person shall not operate a personal watercraft on the waters of this state during the period that begins at sunset and ends at 8 a.m. As used in this subsection, "sunset" means that time as determined by the national weather service.

1 (6) ~~(8)~~—A person operating a personal watercraft on the waters
2 of this state shall not cross within 150 feet behind another
3 vessel, other than a personal watercraft, unless the person is
4 operating the personal watercraft at slow--no wake speed. A person
5 who violates this subsection is responsible for a state civil
6 infraction and may be ordered to pay a civil fine of not more than
7 \$500.00.

8 (7) ~~(9)~~—A person shall not operate a personal watercraft on
9 the waters of this state where the water depth is less than 2 feet,
10 as determined by vertical measurement, unless 1 or both of the
11 following circumstances exist:

12 (a) The personal watercraft is being operated at slow--no wake
13 speed.

14 (b) The personal watercraft is being docked or launched.

15 (8) ~~(10)~~—A person who violates subsection ~~(9)~~—(7) is
16 responsible for a state civil infraction and may be ordered to pay
17 a civil fine of not more than \$500.00.

18 (9) ~~(11)~~—A person shall operate a personal watercraft in a
19 reasonable and prudent manner. A maneuver that unreasonably or
20 unnecessarily endangers life, limb, or property, including, but not
21 limited to, all of the following, constitutes reckless operation of
22 a personal watercraft under section 80208:

23 (a) Weaving through congested vessel traffic.

24 (b) Jumping the wake of another vessel unreasonably or
25 unnecessarily close to the other vessel or when visibility around
26 the other vessel is obstructed.

27 (c) Waiting until the last possible moment before swerving to

1 avoid a collision.

2 (10) ~~(12)~~—A person shall not operate a personal watercraft on
3 the waters of this state carrying more persons than the personal
4 watercraft is designed to carry.

5 (11) ~~(13)~~—A violation of subsection ~~(12)~~—(10) is prima facie
6 evidence of reckless operation of a watercraft under section 80208.

7 (12) ~~(14)~~—A person operating a personal watercraft in excess
8 of the speeds established under part 801 is guilty of reckless
9 operation of a personal watercraft under section 80208.

10 (13) ~~(15)~~—This section does not apply to a performer engaged
11 in a professional exhibition or a person preparing to participate
12 or participating in a regatta, race, marine parade, tournament, or
13 exhibition held in compliance with section 80164 under a permit
14 issued by the department and at the time and place specified in the
15 permit.

16 (14) ~~(16)~~—The department shall annually prepare and submit to
17 the standing committees of the senate and house of representatives
18 with primary jurisdiction over marine safety issues an accident
19 report related to the use of personal watercraft, the types of
20 personal flotation devices that were being used, and the injuries
21 that resulted.